

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

WRIT PETITION NO. 9809 OF 2014

Sarpanch / Gramsevak -Sangli .. Petitioner
Vs
Prakash Vasant Pawar .. Respondent

Mr.Kedar Patil, for the Petitioner.
Mr.Manoj Patil, for the Respondent.

***CORAM: N.M.Jamdar, J.
Wednesday 16 December, 2015 and
Thursday 17 December, 2015.***

PC.:

The learned counsel for the parties after arguing the matter for some time and after taking instructions state that the petition can be disposed of in the following manner.

2. The learned counsel for the Petitioner has placed on record a copy of the resolution dated 16 December 2015 received by him by e-mail. Copy of the communication received by the learned counsel for the Petitioner is taken on record. The learned counsel for the Petitioner states that date mentioned in the resolution is incorrect and it should be 8 June 2010, which he has corrected on the communication. The learned counsel for the Respondent states that he has taken instructions on telephone.

3. The Petitioner has resolved that the Respondent will be taken in service as per the order dated 1 September 1999 however, it is

unable to pay the back wages. The learned counsel for the Respondent on instructions states that the Respondent is ready to give up the back wages if the order passed by the Labour Court in respect of granting reinstatement with continuity of services is complied with by the Petitioner.

4. In view of this position Writ petition is disposed of by quashing and setting aside the direction dated 8 June 2010 to pay 50 per cent back wages to the Respondent. Rest of the order dated 8 June 2010 is confirmed. Writ petition is disposed of in above terms.

Upon Mentioning on next date.

5. On the next date the matter was mentioned by the learned counsel for the Petitioner with notice to the other side stating that amount of Rs.25,000/- has been deposited by the Petitioner in the Labour Court since the parties have agreed that the amount of back wages would be forfeited by the Respondent. The Petitioner will be entitled to withdraw the amount of Rs.25,000/-.

6. The parties also agree that the Respondent will report on duty from 1 January 2016.

N.M.Jamdar, J.